

REMARKS / ARGUMENTS

The present application includes pending claims 1-5, 7-16, 18-27, and 29-34, all of which have been rejected. By this Amendment, claims 1, 12, and 23 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-5, 7-16, 18-27, and 29-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0124258, issued to Fritsch (hereinafter, Fritsch). The Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Fritsch Does Not Anticipate Claims 1-5, 7-16, 18-27, and 29-34

The Applicant now turns to the rejection of claims 1-5, 7-16, 18-27, and 29-34 under 35 U.S.C. 102(e) as being anticipated by Fritsch. With regard to the anticipation rejections under 102(e), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is

contained in the ... claim." See id. (internal citation omitted). Without conceding that Fritsch qualifies as a prior art reference under 35 U.S.C. § 102(e), the Applicant traverses the rejection as follows.

A. Independent Claims 1, 12, and 23

With regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Fritsch does not disclose or suggest at least the limitation of "wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer," as recited by the Applicant in independent claim 1.

The Office Action states the following:

Regarding claims 1, Fritsch disclosed a method and system comprising automatically transferring one or more of media, data and/or service to a view of one or both of a first media processing system and/or a first personal computer within the distributed media network, wherein said automatic transfer is controlled by utilizing at least a first rule ("media delivery center receives media-rich broadcasts", see paragraph [0028], [0031], [0033])

See the Office Action at page 6. The Examiner is relying for support on paragraphs 0028, 0031, and 0033 of Fritsch.

Paragraph 0028 of Fritsch discloses that a media delivery system (operated by a service provider) centrally manages and stores media content, as well as securely delivers the media content to output devices.

Paragraph 0031 of Fritsch discloses a media delivery system 200 (FIG. 2 of Fritsch), which uses a media delivery center 202. The media delivery center 202 receives local TV broadcasts, satellite broadcasts and commercial information that may be in video, audio or graphic forms. The received content can then be broadcast to various clients.

Paragraph 0033 of Fritsch discloses a media delivery center 300 (FIG. 3A of Fritsch), which receives media program content 302 from a source or content provider or from a media storage device. In reference to ¶ 0033 of Fritsch, the Applicant points out that Fritsch does not disclose or suggest that the transfer of the content 302 is controlled in any way by a rule. In fact, paragraph 0033 of Fritsch, as well as the remaining portions of Fritsch, does not disclose or suggest any details as to how the media content 302 is transferred to the media center 300.

The Examiner has equated Applicant's "said first media processing system and/or said first personal computer" to Fritsch's media delivery center (200 or 300), and Applicant's "automatically transferring ... of media, data and/or service" to Fritsch's receiving of local TV and satellite broadcasts by the media delivery center. See the Office Action at pages 2 and 4-5. The Applicant respectfully maintains that Fritsch, including ¶¶ 0028, 0031, and 0033, does not disclose that the receiving of local TV and satellite broadcasts by the media delivery center is controlled in any way by a rule. In the "Response to Arguments" section of the

Office Action, the Examiner has broadly interpreted the "rule" limitation and stated the following:

Examiner submits that any number of provisions associated with the transfer of data between the media deliver center and content source of Fritsch reads on the broad concept of controlling such transfer using a "first rule". For example, the protocol used to transfer data ("media delivery center 202 can receive local TV broadcasts 204 and satellite broadcasts", paragraph [0031]), the format of the data ("video, audio or graphic forms", paragraph [0031]), subscription rules ("end users subscribe to the media delivery system for various programs", paragraph [0031]), or security rules ("media program content 302 is encrypted", paragraph [0033]) can all be considered "rules" as they are clearly aspects that control the transfer of media content to the media delivery center.

See the Office Action at pages 4-5. The Applicant respectfully disagrees that any of the above examples read on "rules" that control the transfer of data between the media delivery center and the content source of Fritsch. For example, the subscription rules and the security rules are not related in any way to the transfer of data between the media delivery center and the content source of Fritsch; they are only related to the communication of data from the media delivery center to the clients. Furthermore, the format or type of the received data is not a rule that controls the transfer of such data from the content source to the media delivery center. Even if we assume for the sake of arguments that any of the above examples of "rules" provided in the Office Action are in fact rules that control the transfer of data to the media delivery center, the Examiner's argument

is still deficient as Fritsch does not disclose or suggest that such rule is hosted by the media delivery center (equated by the Examiner to Applicant's "one or both of said first media processing system and/or said first personal computer").

Therefore, the Applicant maintains that Fritsch does not disclose or suggest at least the limitation of "wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Fritsch and is allowable. Independent claims 12 and 23 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 12 and 23 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-5, 7-11, 13-16, 18-22, 24-27, and 29-34

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 12 and 23 under 35 U.S.C. § 102(e) as being anticipated by Fritsch has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-5, 7-11, 13-16, 18-22, 24-27, and 29-34 depend from

independent claims 1, 12 and 23, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-5, 7-11, 13-16, 18-22, 24-27, and 29-34.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-5, 7-16, 18-27, and 29-34 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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